

IN THE DISTRICT COURT OF OKLAHOMA COUNTY
STATE OF OKLAHOMA

JANESSA BOINTY,

Plaintiff,

v.

1. STATE OF OKLAHOMA,
ex rel, OKLAHOMA STATE
DEPARTMENT OF
EDUCATION, and

2. RYAN WALTERS, in his official
capacity as Superintendent of
Public Instruction and his
individual capacity,

Defendant.

FILED IN DISTRICT COURT
OKLAHOMA COUNTY

SEP 1 - 2023

RICK WARREN
COURT CLERK

126

Case No. CJ - 2023 - 5054

PETITION

COMES NOW THE PLAINTIFF, and for her cause of action herein
alleges and states as follows:

1. Plaintiff is Janessa Bointy, an adult resident of Oklahoma County,
Oklahoma.
2. Defendants are:
 - a. The State of Oklahoma, *ex rel*, Oklahoma State Department of
Education ("OSDE"), a political subdivision headquartered in
Oklahoma County; and
 - b. Ryan Walters, in his official capacity as Superintendent of Public
Instruction for the State of Oklahoma and in his individual

capacity.

CLAIMS AND VENUE

3. Plaintiff's cause of action is for wrongful and retaliatory termination of employment in violation of the First Amendment of the United States Constitution and Oklahoma's Constitution, Art. II, § 22, 42 U.S. § 1983 and Oklahoma's *Burk* tort doctrine.
4. All of the acts complained of herein occurred in Oklahoma County, Plaintiff resides in Oklahoma County and Defendant can be served in Oklahoma County; therefore, venue is proper in this Court.

STATEMENT OF FACTS

5. Plaintiff, Janessa Bointy, is a former employee of Defendants. Plaintiff was employed as a School Counselor Specialist for Project AWARE East from around December 28, 2020, until March 9, 2023.
6. Plaintiff's job duties never involved publicizing programs or outreach to non-grant receiving districts. In fact, Plaintiff was assigned to facilitate grant work only with specific school districts: Ada, Checotah, and Atoka.
7. Plaintiff is a mother of four (4) children who are enrolled in the Edmond Public Schools system.
8. In February 2023, a student attending public school in Edmond, Oklahoma, passed away from complications after attempted suicide.
9. After learning of this tragedy, Plaintiff attended the next school board

- meeting for Edmond Public Schools, which took place on or around March 6, 2023.
10. During the public comments section of such meeting, Plaintiff spoke for approximately two minutes on child and adolescent mental health, including the importance of providing mental health resources to students, the availability of such resources, and ideas for implementation.
 11. The Edmond Public Schools board meeting public comment section is a public forum.
 12. The contents of Plaintiff's speech were pulled from publicly-available resources such as the American Academy of Pediatrics, the American Academy of Child and Adolescent Psychiatry and Children's Hospital Association.
 13. Plaintiff's speech was focused on a matter of public concern, particularly in light of the recent tragedy.
 14. Later that night, on March 6, 2023, Fox 25 aired a news story discussing the Edmond Public Schools board meeting.
 15. As part of the news story, portions of Plaintiff's speech were aired. Fox 25 identified Plaintiff as a "concerned parent."
 16. Plaintiff did not interview with the news channel, and was unaware of any news presence when making her comments.

17. On or around March 9, 2023, Plaintiff's employment was terminated by Defendants.
18. The reasons stated on Plaintiff's termination document were: breach of the confidentiality agreement; violation of Defendant OSDE's media policy; and improper use of time and leave.
19. Two of the cited reasons specifically identify Plaintiff's comments made during the March 6, 2023, Edmond Public Schools meeting as their basis.
20. The reason for Plaintiff's termination was her speech to the board of Edmond Public Schools.
21. Plaintiff's speech was protected by the First Amendment of the United States Constitution and Oklahoma's Constitution, Art. II, § 22.
22. Plaintiff timely provided notice to Defendant OSDE on May 30, 2023, pursuant to the Governmental Tort Claims Act. Such notice was timely filed within one year of Plaintiff's termination. The claim was deemed denied after ninety (90) days lapsed without response. This action is timely filed within one hundred eighty (180) days of such denial.
23. As a direct result of the Defendants' conduct Plaintiff has suffered, and continues to suffer, wage loss (including back, present and front pay) and emotional distress/dignitary harm damages.
24. Because the actions of Defendant Walters were willful, malicious, or in reckless disregard for Plaintiff's constitutionally-protected rights,

Plaintiff is entitled to an award of punitive damages.

PRAYER

The actual damages under Plaintiff's claims exceeds Ten Thousand Dollars (\$10,000.00).

WHEREFORE, Plaintiff prays that this Court enter judgment in favor of the Plaintiff and against the Defendant and assess actual, compensatory and punitive damages together with pre- and post-judgment interest, costs, attorney's fees and such other relief as this Court may deem equitable and appropriate.

RESPECTFULLY SUBMITTED THIS 1st DAY OF SEPTEMBER 2023.



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ATTORNEY FOR PLAINTIFF

ATTORNEY LIEN CLAIMED

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SUMMONS

To the above-named Defendant:

Ryan Walters
Oklahoma Department of Education
Oliver Hodge Building
2500 N Lincoln Blvd.
Oklahoma City, OK 73105

You have been sued by the above-named Plaintiff and you are directed to file a written Answer to the attached Petition in the Court at the above address within twenty (20) days after service of this summons upon you, exclusive of the day of service. Within the same time, a copy of your Answer must be delivered or mailed to the attorney for the Plaintiff.

Unless you answer the Petition within the time stated, judgment will be rendered against you with costs of the action.

ISSUED this 1 day of September, 2023.

RICK WARREN, Court Clerk

COURT CLERK (seal)

Attorney for Plaintiff:
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Deputy Court Clerk

YOU MAY SEEK THE ADVICE OF AN ATTORNEY ON ANY MATTER CONNECTED WITH THIS SUIT OR YOUR ANSWER. SUCH ATTORNEY SHOULD BE CONSULTED IMMEDIATELY SO THAT AN ANSWER MAY BE FILED WITHIN THE TIME LIMIT STATED IN THE SUMMONS.